

**EIGHTEENTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas,  
August 11, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order Lieutenant Governor Edgar E. Witt.

**H. C. R. No. 11.**

The Chair laid before the Senate: H. C. R. No. 11, Relative to Farm Board's holding surplus cotton.  
Read and adopted.

**S. C. R. No. 4.**

The Chair laid before the Senate: S. C. R. No. 4, Relating to occupancy of school lands by mistake and preference right thereunder.  
Read and adopted.

**House Bills Referred.**

H. B. No. 68 referred to Committee on Towns and City Corporations.

H. B. No. 49 referred to Committee on Judicial Districts.

H. B. No. 51 referred to Committee on Towns and City Corporations.

H. B. No. 53 referred to Committee on Judicial Districts.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 49, A bill to be entitled "An Act creating the One Hundred and Twenty-fourth Judicial District, to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg County, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-first Judicial District Court of Gregg County to said

One Hundred and Twenty-fourth Judicial District Court and from said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial Court of Gregg County; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth District of Texas; providing that the county attorney of Gregg County shall assume the duties of such office until the next general election; providing for the election of the criminal district attorney thereafter, prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation, and providing for the payment of same out of the fees of office, and prescribing their duties, etc., and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act validating and legalizing the authorization of bonds, issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of sea walls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election, and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and One Hundred and Twenty-sixth District Court, to fix the terms of said district courts; to provide for grand and petit juries in each of said district courts, for a clerk, and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts; to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act amending Articles 2559 and

2560, Revised Civil Statutes of the State of Texas for 1925, providing the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages, and providing for the way and manner in which said funds shall be secured, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 15, A bill to be entitled "An Act to amend Section four (4) of Chapter 102, Special Laws, Regular Session of the Forty-second Legislature, which section defines the open season for killing squirrels in Wood County, fixing bag limit and penalties."

H. B. No. 32, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any quail in Falls and Johnson Counties from and including January 1 to November 30 of any year; fixing the penalty for violation of the provisions of this act, and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters of Morris and Titus Counties, State of Texas, for the preservation and conservation of the fish in said counties; providing penalties for violation; repealing House Bill No. 717, Regular Acts of the Forty-second Legislature and all other laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 26, A bill to be entitled "An Act amending Article 6032 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act providing for conserving the soils of this State and their fertility, and imposing an occupation tax upon wholesalers as defined herein, of oleomargarine and other substitutes for butter, as defined herein; providing the amount of tax and the time, method and manner of paying the same; providing that the same shall be placed one-fourth to the credit of the available public school fund and the remainder to the credit of the general revenue fund; prescribing the duties of wholesalers and the Comptroller of Public Accounts in reference to payment and collection; providing for the placing of stamps evidencing payment of said tax by affixing the same to the containers of butter substitutes; providing for a report and for penalties for failure to pay the tax; providing offenses, fines, punishment and other penalty; prescribing the effective date hereof, and declaring an emergency."

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

(With amendments.)

H. B. No. 16, A bill to be entitled "An Act for the purpose of conserving petroleum, one of the natural resources produced in this State, by providing that every person, firm, partnership, corporation, association, or any receiver thereof, shall pay to the State a graduated production tax on the daily production of each petroleum well in this State; that there shall be placed at every producing petroleum well a meter to measure the petroleum coming from the same; providing that pipe line companies shall collect the tax levied under this bill at the time of receiving petroleum from the producer and shall remit the same to the Comptroller; providing how petroleum may be transported and the tax paid when transported, other than by a pipe line; providing for the collection of the tax thereon; providing that the Comptroller shall furnish all necessary blanks and forms for the carrying out the provisions of this Act; providing for the creation of a de-

partment within the Comptroller's Department for the administration of this Act; providing the necessary employees to administer such department; making an appropriation; providing for the allocation of the taxes collected hereunder; fixing the penalty for the violation of this Act, and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act amending Article 2350, Revised Civil Statutes of 1925, as amended by Chapter 290, General and Special Laws, passed at the Regular Session of the Fortieth Legislature, as amended by Chapter 46, General and Special Laws, passed at the First Called Session of the Fortieth Legislature, fixing the compensation of county commissioners according to assessed valuations, and declaring an emergency."

S. C. R. No. 17, Authorizing the Enrolling Clerk of the Senate to correct the caption of S. B. No. 44 to conform to all changes in the body of the bill.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 44, A bill to be entitled "An Act to amend Chapter 61, Acts of the Regular Session of the Forty-second Legislature, House Bill 289, providing for the taking of fish from the fresh waters of Hunt County, Kaufman County, and Rains County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during July, August and September; and making it unlawful to take or possess any such fish for the purpose of sale except carp, buffalo, catfish and drumfish taken from the waters of Kaufman County, Texas, or to retain any bass or trout less than eight inches in length or any white perch or crappie weighing less than one-half pound; fixing penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries, and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to amend Section 7 of House Bill No. 690, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo County, No. 1, all of that land now lying within the corporate limits of the city of Donna; providing that the lands so excluded shall continue to bear a tax which will provide an interest and sinking fund sufficient to retire that pro rata part of the indebtedness which the lands hereby excluded bear to the entire indebtedness of the Donna Irrigation District, Hidalgo County No. 1, at the time of the exclusion of said lands from said district; providing that this Act shall in no way impair the value of any bonds outstanding against said district at the time of the effective date of this Act; providing that if any of the indebtedness existing against the said Donna Irrigation District, Hidalgo County No. 1, on the effective date of this Act be cancelled or in any similar manner reduced by said Donna Irrigation District, Hidalgo County No. 1, then those lands hereby excluded from the said district shall have the benefit of their pro rata part of such reduction as that pro rata part exists at the time of the exclusion of said lands, etc., and declaring an emergency."

H. B. No. 73, A bill to be entitled "An Act to conserve fish in the Angelina, Attoyac, Sabine and Neches Rivers and their tributaries in certain counties, and permitting the use of nets of a certain size."

S. B. No. 59, A bill to be entitled "An Act amending Chapter 239, Special Laws of the Regular Session of the Forty-second Legislature of the State of Texas, so as to change the dates of convening the district court in Mitchell County of the 32nd Judicial District of Texas; and declaring an emergency."

(With amendments.)

H. B. No. 48, A bill to be entitled "An Act to validate all ad valorem

tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization or where the city council, city commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act to conserve the wild deer of Tyler County by making it lawful to hunt wild deer with one dog in the county of Tyler, Texas, during the open season of each year for a period of five years, and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act providing for a rural school supervisor in Van Zandt County in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas, convened on the 14th day of July, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular Session of said Legislature; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 9.

The Chair laid before the Senate:  
H. C. R. No. 9, Making an appro-

priation to repair the old Travis County courthouse.

Read and adopted.

#### House Bill No. 68.

The Chair laid before the Senate the following bill:

By Mr. Morse:

H. B. No. 68, A bill to be entitled "An Act amending Articles 2559 and 2560, Revised Civil Statutes of the State of Texas for 1925, providing the way and manner in which cities, towns and villages shall take bids for depositories of funds of such cities, towns and villages, and providing for the way and manner in which said funds shall be secured, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 68 was put on its second reading by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 68 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
ONeal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	ONeal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.
Williamson.	

#### Senate Bill No. 54.

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 54, A bill to be entitled "An Act to validate the incorporation of all cities and towns incorporated or attempted to be incorporated under the General Laws of Texas, where, by inadvertence, oversight or mistake the field notes of such cities or towns were incorrectly set forth or where any other irregularity was had in the proceedings for the incorporation of such cities, or towns, where such cities or towns have been operating and acting as such cities or towns and where the governing body of such cities or towns has, or have, entered an ordinance correcting and setting forth the true field notes of the territory incorporated or attempted to be incorporated or where the governing body of such cities or towns has, or have entered an ordinance correcting such irregu-

larity or irregularities, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Nay—1.

Purl.

Present—Not Voting.

DeBerry.

#### House Bill Re-referred.

On motion of Senator Cousins H. B. No. 51 was withdrawn from the Committee on Towns and City Corporations and re-referred to the Committee on State Affairs.

**Senate Bill No. 3.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul (by request):  
S. B. No. 3, A bill to be entitled "An Act to amend Article 4644 of the Revised Civil Statutes of the State of Texas of 1925, relating to the issuance of an injunction, or temporary restraining order, prohibiting sub-surface drilling or mining operations on the application of an adjacent landowner, claiming injury to the surface or improvements, or loss or injury to the minerals thereunder; so as to provide for protection against an unnecessary number of wells, wasteful, uneconomical and unscientific exploitation of the same field, pool, stratum and strata, or any part thereof, to the damage and damage and injury of value or values of any person or persons having rights and interests therein, whether on adjoining land or not; and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 3 by adding a new section to read as follows:

"Nothing in this Act shall apply to any litigation now pending in any State courts."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.

Woodruff. Woodward.  
Woodul.

Read third time and finally passed.

**House Bills Referred**

H. B. No. 15, referred to Committee on State Affairs.

H. B. No. 32, referred to Committee on State Affairs.

H. B. No. 33, referred to Committee on State Affairs.

**Senate Bill No. 64.**

The Chair laid before the Senate as special order the following bill:

By Senators Greer and Martin:

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read second time.

Senator Hardin sent up the following amendment:

Amend S. B. No. 64, page 2, by striking out the County of Erath in Twelfth District and place same in Eleventh District, and placing the County of Milam from Eleventh District into Sixth District and placing the County of Johnson from Sixth District into District Twelve.

HARDIN.

The amendment was read.

Senator Poage moved to table the amendment. The motion prevailed by the following vote:

Yeas—10.

Cousins.	Parr.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Russek.
Martin.	Woodruff.

Nays—6.

Beck.	Parrish.
Gainer.	Pollard.
Hardin.	Small.

Present—Not Voting.

Berkeley.	Patton.
Cunningham.	Thomason.
DeBerry.	Williamson.
Moore.	

## Absent.

Hopkins.	Rawlings.
Loy.	Stevenson.
Neal.	Woodul.
Oneal.	Woodward.

Senator Pollard sent up the following amendment:

Amend S. B. No. 46 by taking "Wood County" out of the First District and inserting "Wood County" in District No. 3.

POLLARD.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 64 by striking out "San Jacinto County" from District No. 7 and placing in District 21 and substituting therefor Austin County.

HOLBROOK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.

Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.

Present—Not Voting.

Hardin.

## Senate Bill No. 51.

Senator Purl moved to take up S. B. No. 51 out of its regular order.

Senator Parr raised the point of order that the bill had never been properly before the committee.

The Chair, President Pro Tem. Tom DeBerry overruled the point of order, holding that he could not go behind the committee report.

The motion to take up the bill was lost by the following vote:

Yeas—17.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parrish.
DeBerry.	Pollard.
Greer.	Purl.
Holbrook.	Small.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	

Nays—9.

Cunningham.	Patton.
Gainer.	Russek.
Hopkins.	Stevenson.
Martin.	Thomason.
Parr.	

Present—Not Voting.

Hardin.

## Absent.

Poage.	Woodul.
Rawlings.	Woodward.

(Two-thirds vote required.)

## H. C. R. No. 15.

The Chair laid before the Senate: H. C. R. No. 15, Granting Judge R. L. Murray permission to leave the State.

Read and adopted.

**House Bill No. 53.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. McGregor, Mr. Giles, and Mr. Graves:

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and One Hundred and Twenty-sixth District Court, to fix the terms of said district courts; to provide for grand and petit juries in each of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective Judges of the Fifty-third and Ninety-eighth District Courts; to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 53 was put on its second reading by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Cunningham.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 53 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Cunningham.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Cunningham.

**House Bill No. 51.**

The Chair laid before the Senate the following bill:

By Mr. Nicholson and Mr. McDougald:

H. B. No. 51, A bill to be entitled "An Act validating and legalizing the authorization of bonds, issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of sea-walls;

validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 51 was put on its second reading by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 51 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Senate Bill No. 62.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 62, A bill to be entitled "An Act to amend Article 2698, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 62 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## House Bill No. 3.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 6, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of 1925, making compulsory the personal attendance of out-of-county witnesses in suit involving violations of conservation laws and laws prohibiting trusts, monopolies or combinations in restraint of trade; providing for the manner of application for and issuance of subpoenas; providing that any witness failing to appear in obedience to subpoena may be punished for contempt; providing that parties to such suit shall tender traveling expenses of such witnesses, where their place of residence is outside the county where such suit is pending; providing for the manner of payment of such witness' costs in case the State requests their personal attendance; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunnnigham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Russek.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.
Rawlings.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## Senate Bill No. 17.

Senator Neal moved to take up S. B. No. 17. The motion was lost by the following vote:

## Yeas—11.

Berkeley.	Purl.
Neal.	Stevenson.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Poage.	

## Nays—11.

Cunningham.	Loy.
DeBerry.	Martin.
Hardin.	Moore.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	

## Absent.

Beck.	Pollard.
Cousins.	Rawlings.
Gainer.	Thomason.
Greer.	Woodward.
Patton.	

## S. C. R. No. 13.

Senator Small sent up the following resolution:

Whereas, the Judicial System of Texas is being operated at tremendous expense to the tax payers of Texas, and

Whereas, there are now one hundred and twenty-five District Courts in Texas, sitting in districts varying in population from more than one hundred thousand people to as small a population as sixteen thousand people, and there are now pending before the Legislature several bills designed to create new and additional district courts, and

Whereas, experience has demonstrated that in few if any instances have courts been abolished after the emergency which brought about the necessity for their creation has passed, and

Whereas, it is apparent from these figures and facts that the distribution of Judicial Districts in Texas is very much disorganized, unfair and wholly lacking in uniformity; and

Whereas, such conditions evidence the fact that a number of District Judges are over-worked and that probably a greater number do not have sufficient litigation to require a full expenditure of their time; and

Whereas, such a condition of things is not conducive to the efficient operation of Courts and is very expensive to the tax payers of Texas; and

Whereas, it is apparent from the record that additional relief by way of creating new District Courts is necessary in some parts of Texas; and

Whereas, the government is already over-burdened with too many district courts, many of which, doubtless would be eliminated in the event the state should be redistricted for district court purposes and by such means a great amount of money would be saved to the people of Texas, and at the same time afford all the necessary district courts required by every section of Texas; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that a committee of three, one of whom shall be appointed from the membership of the Senate, by the President of the Senate, and the other members shall be appointed by the Speaker of the House of Representatives from the membership of

the House of Representatives, and said Committee is hereby instructed to make a thorough investigation into the various Judicial Districts and district courts of Texas for the purpose of determining as nearly as possible the amount of litigation being transacted by each and every district court in Texas. Said committee may report back to any future Called Session of the 42nd Legislature its findings and recommendations for redistricting the State for District Court purposes, but said committee shall report its findings and recommendations to the Regular Session of the 43rd Legislature; and be it further

Resolved, That all necessary expenses pertaining to said investigation, this Committee's labors, including expenses of the Committee while on such business shall be paid out of the funds now in the State Treasury, left over from the Contingent Fund of the 42nd Legislature or any of its Called Sessions to be paid out on sworn accounts, signed by the Chairman of this Committee and the Speaker of the House provided such expense shall not exceed \$500.00. Such Committee shall elect a Chairman and Secretary; the Chairman shall preside over such Committee meetings and, with the consent of the majority of the Committee, shall direct its activities.

Said Committee herein mentioned shall prepare a bill designed to redistrict the State for district court purposes and have same ready for submission to the Legislature not later than the regular session of the 43rd Legislature, and said Committee may make such other recommendations as it thinks will tend to aid the judiciary of the State.

SMALL,  
CUNNINGHAM.  
POAGE,  
PURL,  
BECK,

Read and adopted.

#### **Bills Signed.**

The Chair, Lieutenant Governor, Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 68.

**Recess.**

On motion of Senator Hornsby the Senate, at 12:05 o'clock p. m., recessed until 2 o'clock p. m.,

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**At Ease.**

At 2 o'clock p. m., the Senate stood at ease subject to the call of the Chair.

**S. B. No. 45 Re-referred.**

On motion of Senator Gainer, S. B. No. 45 was withdrawn from the Committee on Highways and Motor Traffic and re-referred to the Committee on Contingent Expense.

**House Bills Referred.**

H. B. No. 65 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 70 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 71 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 73 referred to Committee on State Affairs.

**Motion to Concur.**

On motion of Senator Parrish the Senate concurred in House amendments to S. B. No. 59 by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Rev. Forbes Speaks.**

The Chair introduced Rev. Forbes of the House who briefly addressed the Senate and presented to each member a souvenir memorial booklet.

Lieutenant Governor Edgar E. Witt thanked Rev. Forbes on behalf of the Senate.

**Senate Bill No. 64.**

Senator Hopkins moved to reconsider the vote by which S. B. No. 64 was finally passed.

Senator Purl raised the point of order that a quorum was lacking. The roll call showed 24 present.

The motion was lost by the following vote:

**Yeas—10.**

Gainer.	Pollard.
Hardin.	Purl.
Hopkins.	Russek.
Martin.	Small.
Patton.	Stevenson.

**Nays—13.**

Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Poage.
Greer.	Thomason.
Holbrook.	Woodruff.
Hornsby.	Woodul.
Loy.	

**Present—Not Voting.**

Berkeley.

**Absent.**

Beck.	Rawlings.
Moore.	Williamson.
Neal.	Woodward.
Parrish.	

**Senate Bill No. 13.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 13, A bill to be entitled "An Act to aid in the conservation and transportation of oil by encouraging the joint construction and operation of new and additional pipe lines in the State of Texas, thereby increasing competition in the transportation of oil to the markets of the world, by authorizing any corpora-

tion heretofore organized and incorporated under Article 1495 and Article 1496 of the Revised Civil Statutes of 1925, or any prior law, or any corporation that may be hereafter organized under said articles, and authorized to own and/or operate an oil pipe line or lines in this State, to join with any other corporation authorized to own and/or operate an oil pipe line or lines in constructing a new pipe line or lines upon such terms as may be agreed upon between the directors or managers of the respective corporations, and when an oil pipe line or lines have been so jointly constructed, the owners thereof are authorized to jointly own, use, operate and maintain the same upon such terms as may be agreed upon between the directors or managers of the respective corporations, but provided that such construction, ownership, use, operation and maintenance shall be subject to such supervision of the conservation authorities of the State of Texas as the law may now or hereafter provide; and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 13 by adding thereto a section to be known as Section 1a as follows:

"It is expressly provided that no provision of this Act shall be construed as in anywise limiting, modifying, changing, repealing, or affecting any part of the present laws of this State defining and regulating trusts, monopolies, and conspiracies in restraint of trade; and that no provision of this Act shall be construed as authorizing any agreement and/or combination of capital, skill, or acts and/or any combination or consolidation now prohibited by the anti-trust laws of this State and/or the laws of this State prohibiting trusts, monopolies, and/or conspiracies in restraint of trade; and that no provision of this Act is intended or shall be construed as authorizing any agreement, act, combination, consolidation, or otherwise, which is now prohibited under the anti-trust laws of this State and/or conspiracies in restraint of trade."

PURL.

Read and adopted.

The bill passed to engrossment.  
On motion of Senator Small the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

DeBerry.	Russek.
Moore.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Oneal.

Absent.

DeBerry.	Russek.
Parrish.	

Reason for Vote.

I vote no on S. B. No. 13 because of the attached opinion of the Attorney General.

ONEAL.

OFFICES OF THE ATTORNEY  
GENERAL

Austin, Texas, August 5, 1931.  
Senator Ben G. Oneal,  
Senate Chamber,  
Austin, Texas.

My Dear Senator Oneal:

Receipt is acknowledged of your communication with reference to Senate Bill 13 by Senator Small. Briefly stated, this bill would authorize an oil company to enter into a partnership agreement with a similar company for the purpose of building a new pipe line or lines into an oil field. You desire to know what effect, if any, this bill would have upon the present anti-trust laws of Texas.

In my opinion, the enactment of such a measure might operate to repeal the anti-trust laws of this State. Certainly it would create an exception and an exemption from prosecution.

The preamble to the bill indicates that it is designed to authorize "the smaller pipe lines" to join with one another in constructing a new pipe line or lines. It is my understanding that the argument has been made in behalf of the bill that under the law at present the major pipe lines can compete upon an unfair basis with the small pipe lines. Senator Small's bill would authorize two major pipe lines to join just the same as two small pipe lines; and it follows, therefore, that two major pipe lines would be enabled to compete upon an unfair basis with two small pipe lines just as easily as one major pipe line can now compete with one small pipe line.

This bill is similar in its purpose to several now pending in the Legislature, seeking to legalize the making of agreements which are now unlawful. One such bill would authorize the making of unit contracts without liability under the anti-trust laws.

We venture the suggestion that any attempt to alter the anti-trust laws as they exist at present is dangerous, and might result in rendering them totally ineffective.

Sincerely yours,

JAMES V. ALLRED,  
Attorney General of Texas.

S. C. R. No. 14.

Senator Moore sent up the following resolution:

Whereas, There is in the basement of the State Capitol a collection of old ledgers, books and records of the early Government of Texas; and

Whereas, These records are of value to the State, historically, and should be placed in the State Library, there to be preserved as nearly as possible in their original form for posterity; therefore be it

Resolved, by the Senate, the House of Representatives concurring, That the State Comptroller be and is hereby directed to deliver to the State Librarian such of these historic ledgers, books and other records as might preserve and perpetuate the early history of Texas as an independent nation and as a State.

MOORE,  
BERKELEY,  
LOY,  
HARDIN.

Read and adopted.

#### Message from the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following message:

Executive Department,  
Austin, Texas, August 11, 1931.  
To the Members of the Senate of the Forty-second Legislature:

Subject to your confirmation I have appointed the following as members of the Board of Optometry:

G. H. Aronsfeld of Galveston for the term ending in 1937.

R. A. Terrell of Dallas for the term ending in 1937.

Edward T. Jenison of San Antonio for the term ending in 1933.

R. B. Hodges of Fort Worth for the term ending in 1935; and H. G. Towle of Snyder for the term ending in 1935.

Respectfully submitted,

R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

#### S. C. R. No. 10.

Senator Cousins received unanimous consent to take up:

S. C. R. No. 10, Giving permission to sue the State in the L. P. Featherstone case.

The committee amendments were adopted.

The resolution was lost by the following vote:

**Yeas—13.**

Cousins.	Parr.
Gainer.	Patton.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Woodul.
Martin.	

**Nays—13.**

Berkeley.	Poage.
DeBerry.	Pollard.
Hardin.	Purl.
Loy.	Rawlings.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

**Absent.**

Beck.	Thomason.
Cunningham.	Williamson.
Parrish.	

**S. C. R. No. 15.**

Senator Poage sent up the following resolution:

Whereas, by virtue of Senate Bill No. 259 enacted by the 42nd Legislature, the State Highway Department is authorized to construct a new office and records building, same to be erected in the city of Austin unless its location be fixed at some other point by proper resolution passed by both Houses of the Legislature prior to the commencement of the actual construction; and,

Whereas, said Senate Bill No. 259 and the present existing laws of this State expressly authorizes the construction of said building in another point within the State of Texas upon the authority of a proper resolution; and,

Whereas, no construction has been commenced and no work actually done on the construction of such building; and,

Whereas, the city of Waco has heretofore and does at this time hold itself ready to contribute substantial financial assistance in the construction of such building and offers a centrally located as well as an accessible site therefor; and

Whereas, the convenience of the public and a great majority of the people of Texas requires the said building to be located in Waco rather than in Austin, and the financial condition of the State suggests that every possible economy and saving to the State be effected;

Now therefore, be it resolved by the Senate of Texas, the House of Representatives concurring, that the Highway Department of this State be instructed to withhold any action of construction or contemplated construction of said building for a period of thirty (30) days from the day of the adoption of this Resolution, and that within such period the city of Waco be given an opportunity to enter into such contract and bond with the Highway Department as may be approved by the Attorney General of this State, binding and obligating said city of Waco to furnish the State of Texas a site for said building acceptable to the Highway Department together with a site acceptable to the said Department for adequate shops, all to be conveyed by warranty deed, free of encumbrances and the title thereto to be approved by the Attorney General of the State, and said contract further binding the city of Waco to contribute to the cost of construction of such building the sum of Two Hundred Thousand (\$200,000.00) Dollars; and

Upon the execution of such contract and bond by the city of Waco, said building shall be erected by the Highway Department in the city of Waco, McLennan County, Texas, and not in the city of Austin; all other provisions of Senate Bill No. 259 to remain in full force and effect, the same as though this Resolution had not been adopted.

**POAGE.**

The resolution was read.

Senator Hornsby moved to refer the resolution to the Committee on Finance.

Senator Poage moved to table the motion. The motion to table prevailed by the following vote:

**Yeas—16.**

Beck.	Neal.
Gainer.	Oneal.
Greer.	Poage.
Hardin.	Purl.
Hopkins.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	Woodul.

**Nays—11.**

Berkeley.	Holbrook.
Cousins.	Hornsby.
DeBerry.	Parr.

Parrish.  
Patton.  
Pollard.

Russek.  
Williamson.

Absent.

Cunningham. Small.  
Rawlings. Woodward.

The resolution was lost by the following vote:

Yeas—14.

Beck.	Neal.
Greer.	Oneal.
Hardin.	Patton.
Hopkins.	Poage.
Loy.	Purl.
Martin.	Small.
Moore.	Thomason.

Nays—15.

Berkeley.	Pollard.
Cousins.	Russek.
DeBerry.	Stevenson.
Gainer.	Williamson.
Holbrook.	Woodruff.
Hornsby.	Woodul.
Parr.	Woodward.
Parrish.	

Absent.

Cunningham. Rawlings.

#### S. C. R. No. 16.

Senator Stevenson sent up the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, that Joint Rule No. 11, be, and the same is hereby suspended for this Called Session.

STEVENSON.

Read and adopted by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### S. C. R. No. 17.

Senator Moore sent up the following resolution:

Whereas, S. B. No. 44, a local fish bill for Kaufman, Hunt and Rains Counties as passed by the Senate was amended; and

Whereas, the caption of said bill was not amended to conform to the body of the bill; therefore

Be it resolved by the Senate, the House of Representatives concurring, that the Engrossing Clerk of the Senate be and is hereby authorized to correct the caption of said bill to conform to the body.

MOORE.

Read and adopted.

#### House Bill No. 65.

The Chair laid before the Senate the following bill:

B. Mr. West of Cameron:

H. B. No. 65, A bill to be entitled "An Act authorizing navigation districts to expend their funds for work done or to be done on improvements made or to be made outside of their geographical boundaries, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

On motion of Senator Parr the be read on three several days was constitutional rule requiring bills to suspended and H. B. No. 65 was put on its second reading, by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Absent.

Rawlings. Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Executive Session Set.

On motion of Senator Woodul, the Senate voted to go into executive session tomorrow morning at 11 o'clock.

#### Simple Resolution No. 19.

Senator Woodruff sent up the following resolution:

Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your committee appointed under and by virtue of the authority conferred by Senate Simple Resolu-

tion No. 16 to perform the duties therein delegated, have performed said duties and beg leave to report and recommend as follows, viz:

That the following named employees be retained on the payroll of the Senate after final adjournment of the First Called Session of the 42nd Legislature for the number of days specified in each case, for the performance of the duties herein specifically assigned, and such other and additional duties pertinent to the business of the 42nd Legislature, as the President of the Senate shall direct, viz:

The Journal Clerk, Wendell O'Neal, shall be retained for seventy-five days to arrange the journals of the Regular and the First Called Sessions of the 42nd Legislature, and he shall be instructed to prepare and deliver to the public printer the journal of the Senate, together with a complete index of the same, and deliver to the Secretary of State all documents, bills, papers and journals required by law to be so delivered by him.

That the Calendar Clerk be retained two days, with the instruction to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession at adjournment, and to deliver the same to the Secretary of the Senate.

That the Sergeant-At-Arms and one assistant be retained for ten days, with the instruction that he place in order the Senate chamber and committee rooms, and that he be allowed four porters, appointed by the Lieutenant Governor, to assist him for five days each.

That the Secretary of the Senate shall be retained for thirty days, with the instruction to complete the duties of his office as heretofore delegated to him and as may be directed by the President of the Senate incident to the business of the 42nd Legislature, Regular and First Called Sessions, including the completion of the records of the sessions, and he shall deliver all records and documents of the said sessions remaining in his possession at adjournment to the Secretary of State, as is required by law.

That the private secretary of the Lieutenant Governor be retained

thirty days for the purpose of collating and indexing the rulings of the Lieutenant Governor during the general and first called session of the 42nd Legislature to do necessary stenographic work for the Secretary of the Senate and Sergeant-At-Arms and for the performance of such other duties incident to said sessions, as the Lieutenant Governor shall direct.

That the Mailing Clerk be retained five days for the purpose of mailing out the copies of the Senate Journals not delivered before adjournment, and that the Sergeant-At-Arms be instructed to furnish the wrappers and postage actually necessary for this purpose.

That Tom Burton, the Senate mail carrier, be retained five days.

That the Lieutenant Governor be authorized to select a responsible person to be known as the Custodian of the Senate Chamber, whose duty it shall be to look after the said chamber and the several Senate committee and other rooms until the next session of the Senate, and that he receive for his services the sum of \$5.00 per day.

That the Lieutenant Governor appoint a matron of the ladies' rooms, to keep the same and to perform such other duties as the Lieutenant Governor shall from time to time direct, and whose pay shall be \$3.00 per day and a porter of the Senate to keep the Senate Chamber and rooms in order and to do such other services as the Lieutenant Governor shall direct; and his pay shall be \$4.00 per day.

That one clerk shall be appointed by the Lieutenant Governor to serve two days to complete the duties incident to closing the files of the Engraving and Enrolling Departments.

We further recommend that all employees be instructed forthwith to put the affairs of their respective offices and duties in immediate good order and that same shall, insofar as may under the circumstances be possible, complete said duties on the date of adjournment of this session of the Legislature.

We recommend further that the several employees herein referred to be paid the per diem recommended in each instance in the Caucus Report of this First Called Session of

the 42nd Legislature, to be paid out of the contingent expense fund of the Senate.

WOODRUFF,  
BECK,  
GAINER.

The report was read.

On motion of Senator Moore, the report was ordered printed in the Journal and action was postponed until tomorrow.

#### House Bill No. 70.

The Chair laid before the Senate the following bill:

By Mr. Leonard:

H. B. No. 70, A bill to be entitled "An Act to amend Section 7 of House bill No. 690, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 70 was put on its second reading by the following vote:

#### Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

#### Absent.

Rawlings. Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 70 was put

on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

**Absent.**

Rawlings. Woodward.

**House Bill No. 71.**

The Chair laid before the Senate the following bill:

By Mr. Leonard:

H. B. No. 71, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo County No. 1, all of that land now lying within the corporate limits of the city of Donna; providing that the lands so excluded shall continue to bear a tax which will provide an interest and sinking fund sufficient to retire that pro rata part of the indebtedness which the lands hereby excluded bear to the entire indebted-

ness of the Donna Irrigation District, Hidalgo County No. 1, at the time of the exclusion of said lands from said district; providing that this Act shall in no way impair the value of any bonds outstanding against said district at the time of the effective date of this act; providing that if any of the indebtedness existing against the Donna Irrigation District, Hidalgo County No. 1, on the effective date of this act be cancelled or in any similar manner reduced by said Donna Irrigation District, Hidalgo County No. 1, then those lands hereby excluded from the said district shall have the benefit of their pro rata part of such reduction as that pro rata part exists at the time of the exclusion of said lands, etc., and declaring an emergency."

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 71 was put on its second reading by the following vote:

**Yeas—29.**

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

**Absent.**

Rawlings. Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 71 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	

Absent.

Rawlings. Woodward.

#### House Bill No. 80.

The Chair laid before the Senate the following bill:

By Mr. Caven, Mr. Hubbard, Mr. Brooks, Mr. Johnson of Morris, and Mr. Hines:

H. B. No. 30, A bill to be entitled "An Act creating a closed season on wild deer, buck, doe and fawn for a period of five years in the counties of Harrison, Marion, Red River, Bowie, Cass, Morris and Titus, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years; providing a penalty therefor, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its second reading by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunnningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Pollard.	

**House Bill No. 49.**

The Chair laid before the Senate the following bill:

By Mr. Holloway, Mr. Magee, and Mr. Caven:

H. B. No. 49, A bill to be entitled "An Act creating the One Hundred and Twenty-fourth Judicial District, to be constituted of Gregg County, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg County, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-first Judicial District Court of Gregg County to said One Hundred and Twenty-fourth Judicial District Court and from said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial District Court of Gregg County; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth Judicial District of Texas; providing that the county attorney of Gregg county shall assume the duties of such office until the next general election; providing for the election of the criminal district attorney thereafter, prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation, and providing for the payment of same out of the fees of office, and prescribing their duties, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted. On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 49 was put on its second reading by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 49 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunnnigham.	Hopkins.
Gainer.	Hornsby.

Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.

Nays—1.

DeBerry.

**House Bill No. 12.**

The Chair laid before the Senate the following bill:

H. B. No. 12, A bill to be entitled "An Act providing that it shall be unlawful to throw, cast, discharge or deposit crude petroleum, salt water and certain other substances in or on any stream, water course or other body of water of this State; providing that salt water may be discharged into the tidal waters of this State, and that sulphur water, when so treated that it is not harmful to aquatic life or marine organisms, may be deposited in the tidal waters of this State providing for the enforcement this Act, disposition of fines and fees of the arresting officer; and providing that it shall be cumulative of all other laws on this subject and declaring an emergency."

The committee amendment was adopted.

Senator Small sent up the following amendment:

Amend C. S. H. B. No. 12 by striking out the term "industrial waste," wherever it appears in the bill and caption.

SMALL.

Read and adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**House Bill No. 73.**

The Chair laid before the Senate the following bill:

B. Mr. Laird and Mr. Adams of Jasper:

H. B. No. 73, A bill to be entitled "An Act to conserve fish in the Angelina, Attoyac, Sabine and Neches Rivers and their tributaries in certain counties, and permitting the use of nets of a certain size."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 was put on its second reading, by the following vote:

Yeas—31.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Pollard.	

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**House Bill No. 75.**

The Chair laid before the Senate the following bill:

By Mr. Sanders:

H. B. No. 75, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the First Called Session of the Forty-second Legislature of the State of Texas, convened on the 14th day of July, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular Session of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session of said Legislature; to pay any unpaid claims and accounts of members officers or employees of said session or of other persons authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session; to pay the per diem of members, officers or employees for pre-session and post-session work of the First Called Session of said Forty-second Legislature; providing how accounts may be approved and audited, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 75 was put on its second reading by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 75 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

### House Bill No. 33.

The Chair laid before the Senate the following bill:

By Mr. Johnson of Morris:

H. B. No. 33, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus counties, State of Texas, for the preservation and conservation of the fish in said counties; providing penalties for violation; repealing House Bill No. 717, Regular Acts of the Forty-

second Legislature and all other laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 33 was put on its second reading by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 33 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## House Bill No. 15.

The Chair laid before the Senate the following bill:

By Mr. Smith of Wood:

H. B. No. 15, A bill to be entitled "An Act to amend Section four (4) of Chapter 102, Special Laws, Regular Session of the Forty-second Legislature, which section defines the open season for killing squirrels in Wood County and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 15 was put on its second reading by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 15 was put on its third reading and final passage, by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

## House Bill No. 32.

The Chair laid before the Senate the following bill:

By Mr. Kennedy:

H. B. No. 32, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any quail in Falls and Johnson Counties from and including January 1 and November 30 of any year; fixing the penalty for violation of the provisions of this Act, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted. On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its second reading by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunnigham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.
Hornsby.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.

24—Jour.—1

Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.  
Oneal.  
Parr.  
Parrish.  
Patton.  
Poage.  
Pollard.

Purl.  
Rawlings.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

#### House Bills Referred.

H. B. No. 57, referred to Committee on State Affairs.

H. B. No. 72 referred to Committee on Educational Affairs.

H. B. No. 48 referred to Committee on Town and City Corporations.

#### Conference Asked.

Senator Greer moved not to concur in House amendments to S. B. No. 64 but ask for a Conference Committee. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Greer, Poage, Hardin, Martin, and Hopkins.

#### House Bills Referred.

H. B. No. 16 referred to Committee on State Affairs.

H. B. No. 26 referred to Committee on State Affairs.

H. B. No. 29 referred to Committee on State Affairs.

#### Point of Order.

Senator Poage raised the point of order that H. B. No. 45 did not come within the Governor's call.

The Senate sustained the point of order.

Senator Loy received consent to be recorded as voting against the point of order.

#### Point of Order.

Senator Hopkins raised the point of order that S. B. No. 51 was not reported out of the committee until after the 72 hour limitation was in effect.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

#### Adjournment.

On motion of Senator Parr, the Senate, at 5:37 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## Petitions and Memorials.

Dallas, Texas, Aug. 10, 1931.

Hon. George Purl,  
Member of the Senate,  
and  
Mrs. Sarah T. Hughes,  
and  
Messrs. W. T. Savage,  
C. S. McCombs,  
Ray Holder,  
Jack Keller,  
Z. E. Coombes,

Members of the Legislature from  
Dallas County:

Gov. Wm. H. Murray of Oklahoma  
has accepted an invitation, extended  
to him by citizens of Texas, to speak  
in Dallas at the State Fair Park on  
Saturday evening, August 15th, be-  
ginning at 8 o'clock p. m.

Will you please make this an-  
nouncement to the Senate and the  
House of Representatives and extend  
an invitation to all the members of  
the Legislature to be present on this  
occasion.

Our committee has been advised  
by representatives of the steam rail-  
roads that the week-end rate now  
in force, which authorizes one fare  
plus 25c from all points in Texas,  
will apply to this occasion.

Very truly yours,

E. G. SENTER, Chairman.

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt,  
Lieutenant Governor,  
Austin, Texas.

Dear Governor Witt:

Please announce to the members of  
the Senate that we have received a  
sufficient number of bound copies of  
the general laws of the Forty-second  
Legislature to enable us to exchange  
them for the paper back copies re-  
cently furnished members, and shall  
be glad to make the exchange upon  
application.

Sincerely yours,

JANE Y. McCALLUM,  
Secretary of State.

## Committee on Enrolled Bills.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills have had S. B. No. 52  
carefully examined and compared  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills have had S. B. No. 53,  
carefully examined and compared  
and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
rolled Bills have had S. C. R. No. 11  
carefully examined and compared  
and find same correctly enrolled.

GREER, Chairman.

## Committee on Engrossed Bills.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills have had S. B. No. 13  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills have had S. B. No. 3  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills have had S. B. No. 64  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills have had S. B. No. 54  
carefully examined and compared  
and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-  
grossed Bills have had S. B. No. 62

carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 43 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 42 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 39 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 44 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 35 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 38 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 40 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 61 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

Committee Room,  
Austin, Texas, August 10, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 41 carefully examined and compared and find same correctly engrossed.  
HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 65, A bill to be entitled "An Act to authorize two or more navigation districts, all or parts of which are situated in a single county, and which may be interested in, or may be benefited by a navigation project which has been approved by Act of Congress of the United States, or by the Secretary of War, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HORNSBY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 70, A bill to be entitled "An Act to amend Section 7 of H. B. No. 690, Chapter 200, of the General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HORNSBY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to exclude from the Donna Irrigation District, Hidalgo County No. 1, all of that land now lying within the corporate limites of the City of Donna; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HORNSBY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 10

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do be adopted as amended.

MOORE, Chairman.

Amendment No. 1.

Amend S. C. R. No. 10, as follows:  
By striking out all after the word "within" in line 2 of paragraph 5 down to and including the word "effect" in line 3 and insert in lieu thereof the following: "one year

from the date of passage of this resolution."

Amendment No. 2.

Amend S. C. R. No. 10, as follows:  
By adding between the words "action" and "as" in line 3 of paragraph the words: "if any."

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 32, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any quail in Falls and Johnson Counties from and including January 1st, through November 30th of any year; fixing the penalty for the violation of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 15, A bill to be entitled "An Act to amend Section Four of Chapter 102, Special Laws, Regular Session of the 42nd Legislature, which section defines the open season for killing squirrels in Wood County, fixing bag limit and penalties."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, August 11, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 33, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus

Counties, State of Texas, for the preservation and conservation of the fish in said Counties, providing penalties for violation; repealing H. B. No. 717, Regular Acts of the 42nd Legislature and all other laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 73, A bill to be entitled "An Act to conserve fish in Angelina, Sabine, Attoyac, and Neches Rivers and their tributaries in certain counties; and permitting the use of nets of a certain size."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 51, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political sub-division of this State for the construction of seawalls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the results of such election; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 172, of the 41st Legislature, passed at its Regular Session; to create the 126th Judicial District of Texas; to fix and define the jurisdiction of the 53rd District Court, the 98th District Court and the 126th District Court, to fix the terms of each of said District Courts, to provide for Grand and Petit Juries in each of said District Courts, for a clerk and for a District Attorney for said District Courts, for continuance in office of the respective Judges of the 53rd and 98th District Courts, to provide for the appointment and election of a Judge for the 126th District Court, for appointment of Court Reporters by the Judges of each of said Courts, for transferring both civil and criminal cases by the respective Judges of said courts, to continue in effect writs, process, bonds, recognizances, and orders, enacting proper provisions to continue any term of Court that may be in session when this Act takes effect and to preserve Grand and Petit Juries that may be drawn and selected when this Act takes effect, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Committee Room,

Austin, Texas, August 11, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 49, A bill to be entitled "An Act creating the 124th Judicial District to be constituted of Gregg County, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the 71st Judicial District Court of Gregg County, Texas, shall serve as Clerk of said 124th Judicial District; and provid-

ing for the appointment of the Judge thereof and his compensation; providing for the transfer of cases from the 71st Judicial District Court of Gregg County to said 124th Judicial District Court and from said 124th Judicial District Court to the 71st Judicial District Court of Gregg County; and providing for the jurisdiction of said Court; creating the office of Criminal District Attorney of the 124th Judicial District; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

#### NINETEENTH DAY.

Senate Chamber.

Austin, Texas, August 12, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

#### Pelitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, August 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 64. The following are conferees on the part of the House:

Metcalfe, Young, Murphy, Hubbard and Mathis.

The House has concurred in Senate Amendments to H. B. No. 12 by a vote of 77 yeas, 22 nays, and 8 present and not voting.

The House has passed the following bill:

S. B. No. 40, A bill to be entitled "An Act amending Section 1 of Chapter 354, page 844, Acts of the Regular Session of the Forty-second Legislature, relating to the creation of the office of Criminal District Attorney in certain counties, so as to make said Act applicable to counties having a population of not less than 32,000 and not more than 75,000 inhabitants according to the last preceding Federal Census; and declaring an emergency."

The House has passed the following resolutions:

H. C. R. No. 17, Authorizing the Enrolling Clerk of the House to correct the caption to H. B. No. 73.

S. C. R. No. 16, Suspending the Joint Rule No. 11.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, August 12, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 41, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age in certain school districts; to provide for length of free term to be al-